

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1081

Introduced by Assembly Member Garrick

**(Coauthors: Assembly Members Adams, Benoit, Berryhill, Fuller,
La Malfa, DeVore, Fuller, Gaines, Jeffries, La Malfa, Maze, Silva,
and Spitzer Spitzer, and Strickland)**

**(Coauthors: Senators Cox, Harman, Cogdill, Dutton, Harman,
Hollingsworth, and Wyland)**

February 23, 2007

An act to add Section 5004.6 to the Penal Code, relating to illegal immigration.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as amended, Garrick. Department of Corrections and Rehabilitation: mutual aid agreements: illegal immigration.

Existing law allows the Secretary of the Department of Corrections and Rehabilitation to enter into agreements with local law enforcement agencies for mutual police aid during emergencies.

Existing law also requires the Secretary of the Department of Corrections and Rehabilitation to enter into agreements with local law enforcement agencies for mutual aid during a pursuit for an escaped prisoner.

This bill would require the Secretary of the Department of Corrections and Rehabilitation to enter into an agreement with the United States Department of Homeland Security for the United States Immigration and Customs Enforcement to train and authorize certain Department of Corrections and Rehabilitation personnel to perform functions relating

to the investigation and processing of inmates who are illegally within the United States.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) There are approximately 18,000 illegal immigrants currently
3 incarcerated in California prisons.

4 (b) It costs California taxpayers an estimated seven hundred
5 fifty million dollars (\$750,000,000) each year to incarcerate ~~the~~
6 illegal immigrants in California prisons.

7 (c) In 2005, California recovered eighty-five million nine
8 hundred fifty-three thousand one hundred ninety-one dollars
9 (\$85,953,191) in reimbursements from the federal government;
10 approximately 11 percent of the total cost to tax payers to
11 incarcerate illegal immigrants.

12 (d) Currently, ~~there is no program within~~ the Department of
13 Corrections and Rehabilitation *does not have a program* designed
14 to investigate and prepare cases of inmates who are illegally in the
15 United States for referral to the United States Immigration and
16 Enforcement for removal and reimbursement actions.

17 (e) The United States Department of Homeland Security
18 authorized the United States Immigrations and Customs
19 Enforcement to pay for the training and certification of appropriate
20 state personnel to investigate immigration crimes and prepare cases
21 for removal actions at the federal level.

22 (f) This documentation and processing program would boost
23 reimbursement revenues through more accurate reporting of state
24 costs associated with incarcerating illegal immigrants.

25 SEC. 2. Section 5004.6 is added to the Penal Code, to read:

26 5004.6. The Secretary of the Department of Corrections and
27 Rehabilitation shall enter into an agreement constituting a
28 Memorandum of Understanding with the United States Department
29 of Homeland Security ~~under by which the United States~~
30 Immigration and Customs Enforcement ~~trains, certifies, and~~
31 ~~authorizes~~ *shall train, certify, and authorize* designated Department
32 of Corrections and Rehabilitation personnel to perform certain
33 immigration processing functions. The functions to be performed

- 1 by the authorized Department of Corrections and Rehabilitation
- 2 personnel shall include, but are not limited to, the following:
- 3 (a) The interviewing of inmates to determine probable cause
- 4 for an immigration violation.
- 5 (b) The completion of criminal alien processing, including the
- 6 fingerprinting, photographing, and interviewing of the suspected
- 7 criminal alien.
- 8 (c) The preparation of immigration detainers, affidavits, and
- 9 taking of sworn statements.
- 10 (d) The preparation of federal removal charging documents, as
- 11 appropriate, for review by Immigration and Custom Enforcement
- 12 Officials.

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